

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AUSTIN FENNER and IKIMULISA
LIVINGSTON,

Plaintiffs,

vs.

09 CV 9832 (LGS)

NEWS CORPORATION, NYP HOLDINGS,
INC., d/b/a THE NEW YORK POST,
and MICHELLE GOTTHELF and DANIEL
GREENFIELD, in their official and individual
capacities,

Defendants.
-----X

AFFIDAVIT OF JEANE MACINTOSH

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JEANE MACINTOSH, being duly sworn, deposes and says:

1. I am a senior reporter for the New York Post (the "Post"). I have personal knowledge of the facts set forth herein, except where otherwise indicated. I submit this Affidavit in support of the Post's, Daniel Greenfield's, and Michelle Gotthelf's motion for summary judgment. This Affidavit does not include all facts and circumstances known to me that relate to this matter.

2. I have been employed as a full-time reporter working for the Post since in or about May 1995. Since 2007, I have worked as a rewrite reporter primarily from the Post's newsroom at 1211 Avenue of the Americas. I am responsible for, among other things, coordinating runner reporters in the field and drafting stories based on notes from runners.

3. I am frequently present in the newsroom with Mr. Greenfield and Ms. Gotthelf and have observed their interactions with reporters, both in person and on the phone, on many occasions.

4. I understand that Ikimulisa Livingston alleges that Greenfield once asked her “What are you doing here?” when she, a runner, was present in the Post’s newsroom. I have heard Greenfield ask this question, or a variation of this question, of white runners who were present in the newsroom.

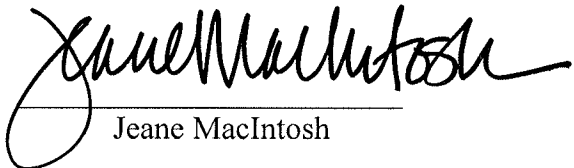
5. I also understand that Ms. Livingston and Austin Fenner claim that Mr. Greenfield and/or Ms. Gotthelf raised their voices at them in connection with their job performance, and that they claim white reporters were not treated in the same manner. This is incorrect. I have heard each of Ms. Gotthelf and Mr. Greenfield raise her or his voice, including using curse words, when speaking to white reporters who they believed had not adequately performed their duties. For instance, I have heard Mr. Greenfield yell at white reporters for missing aspects of stories which appeared in stories published by another newspaper.

6. By way of specific example, I am a white reporter and Greenfield has raised his voice to me in connection with my work. The newsroom is a high-pressure environment, and Mr. Greenfield is responsible for managing the competitive process of newsgathering on an hourly, and sometimes minute-to-minute, basis. When I have heard him raise his voice or curse, it has always been in that context and usually in conversation with a white reporter or editor. On one occasion, Mr. Greenfield raised his voice at me when I was late getting to a story. On another occasion, Mr. Greenfield raised his voice at me because I had not informed him that I was taking a vacation.

7. I have never heard either of Mr. Greenfield or Ms. Gotthelf direct any racial epithet at a reporter (or any other person) or make any disparaging remark about any reporter (or any other person) based on their race, color, and/or national origin.

Sworn to before me this
9th day of May 2013


NOTARY PUBLIC


Jeane MacIntosh

JOSHUA D. FULOP
NOTARY PUBLIC-STATE OF NEW YORK
No. 02FU6208919
Qualified in Queens County
My Commission Expires July 13, 2013